

EXHIBIT “K”

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MIRIAM BAUZA,

Plaintiff,

- against - Case No. 07 CIV. 6542

MEDIACOM COMMUNICATIONS CORPORATION,

Defendant.
-----X

March 17, 2008

2:05 p.m.

Deposition of JUDY MILLS, a witness on behalf of
the Defendant herein, taken pursuant to Notice,
and held at the offices of Bonnist & Cutro, 800
Westchester Avenue, Suite S332, Rye Brook, New
York, before April Pearl Schirm, a Court Reporter
and Notary Public of the State of New York.



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1 JUDY MILLS

2 A. Yes.

3 Q. What did you do, if anything, after
4 Ms. Burgos brought this information to your
5 attention regarding Ms. Bauza?

6 A. I met with Steven Rubin, who is with
7 Mercer. Steven happened to be on site that day.
8 We were having discussions about our benefit plans
9 for the new year.

10 Q. Right.

11 A. So I reviewed the matter with him, and
12 he was going to follow up on trying to get some
13 additional information on this situation.

14 Q. And just by way of background,
15 Mediacom utilized Aetna to administer the payment
16 of the disability payments to its employees for
17 short term disability, right?

18 A. Yes.

19 Q. But the payments are actually
20 self-insured by Mediacom, correct?

21 A. Yes.

22 Q. Mediacom actually pays out of its own
23 earnings any claims for disability put in by
24 employees?

25 A. That's correct.



1 JUDY MILLS

2 A. Correct.

3 Q. Did you type this document up
4 yourself?

5 A. Yes, I did.

6 Q. After reviewing this document, any
7 other inconsistencies that you noticed?

8 A. No.

9 Q. And on the second paragraph of this
10 memorandum, which is Plaintiff's Number 8, it
11 begins: On November 13th, it was learned, while
12 on a leave of absence, Ms. Bauza may have
13 collected the disability payments. So the 13th is
14 the date that Ms. Burgos came to you with that
15 information?

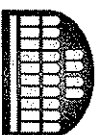
16 A. Yes.

17 Q. It also mentions here that copies of
18 endorsed checks you received on the 14th. Where
19 did you receive those checks from?

20 A. They would have probably come from
21 Aetna, I believe.

22 Q. How would Aetna provide those checks
23 to you?

24 A. I'm not sure I understand your
25 question.



1 JUDY MILLS

2 Q. Okay. In the normal course, is it
3 that Aetna sends these checks back to you and
4 Mediacom has a file for those checks, or do you
5 request Aetna to send you these checks?

6 A. We requested them.

7 Q. Who did you request from Aetna to send
8 you those checks?

9 A. I don't know if it was Steven Rubin or
10 somebody contacted Aetna directly, but it was
11 probably Steven Rubin.

12 Q. So your testimony before about who you
13 spoke to at Aetna or anyone else still applies,
14 when you had that conversation with Mr. Rubin on
15 the 13th, after that you received some checks back
16 the next day from Aetna?

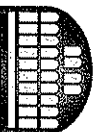
17 A. Yes.

18 Q. So you are assuming at some point
19 someone besides you made a request of Aetna for
20 this and you got that information?

21 A. I probably asked Steven Rubin during
22 our meeting on the 13th to get me proof. I didn't
23 want to believe this.

24 Q. Right.

25 A. Okay.



1 JUDY MILLS

2 A. I think that it was appropriate for
3 her to call them, as she did. And I also think
4 that it would have been appropriate for her to
5 follow through, to contact Joe Michulski at that
6 time.

7 Q. Even if Aetna had told her that they
8 had calculated it correctly?

9 A. Yes. She should have contacted him.
10 She knew that it was incorrect.

11 Q. During that November 15th meeting, Ms.
12 Bauza did tell you that she had spoken to someone
13 at Aetna, right?

14 A. Yes.

15 Q. Did you ever -- strike that.

16 Did she ever come back to you and give
17 you more information about regarding that claim?

18 A. No.

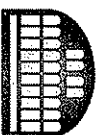
19 Q. That she had spoken to someone at
20 Aetna?

21 A. She never came back with a name, no.

22 Q. Did she ever come back with any
23 information regarding the call without a name?

24 A. No.

25 Q. Did she ever tell you that she called



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2 but Aetna doesn't have any record of her call?

3 A. I don't remember if she came back and
4 told me that. I know she came back to say that
5 she couldn't find anything. Okay.

6 Q. She did come back and report that to
7 you?

8 A. Yes.

9 Q. Did you ask her what steps she had
10 taken to get that information from Aetna?

11 A. No.

12 Q. Did you ever ask anyone at Aetna to
13 check their records to see if what Ms. Bauza had
14 said was true?

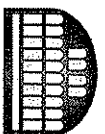
15 A. Through Steven Rubin we did.

16 Q. At the time you spoke to Mr. Rubin,
17 that was prior to Ms. Bauza saying she made phone
18 calls to Aetna, correct?

19 A. Correct.

20 Q. Even though you didn't have that
21 knowledge, you still asked Mr. Rubin to see if
22 there were any calls made by Ms. Bauza to Aetna?

23 A. It was probably after she said that
24 she called them that we asked him to follow up on
25 that.



1 JUDY MILLS

2 Q. That is my question.

3 A. Yes.

4 Q. Did you follow up with Mr. Rubin after
5 this meeting on November 15th with Ms. Bauza?

6 A. Yes.

7 Q. When did you follow up with Mr. Rubin?

8 A. I couldn't be specific. It would have
9 been shortly after that meeting.

10 Q. Did you document that request in
11 writing?

12 A. No.

13 Q. Did Mr. Rubin respond to that request?

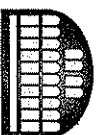
14 A. In what way?

15 Q. Did he give you an answer?

16 A. Yes, and the email that you have on
17 record indicates that.

18 Q. Okay. Did you ever ask anyone
19 directly -- did you ever contact Aetna directly at
20 all regarding Ms. Bauza?

21 A. I don't recall if I did or not. If
22 anything, I may have left a message for either
23 Jean Falto or Matt Galligan, but I don't believe I
24 spoke with either of them. I don't recall any
25 conversations with them, as a matter of fact.



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2 Q. Did you -- what did you believe of the
3 veracity of Ms. Bauza's statement, that she called
4 someone at Aetna and they told her that they
5 calculated it correctly?

6 MR. RIOLO: Objection. When?

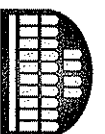
7 Q. When she first told you at the
8 November 15 meeting.

9 A. At that time, I was believing her. I
10 was hoping. Nobody wanted -- everybody liked
11 Miriam. We were hoping that we would be able to
12 get this cleared up.

13 Q. When Ms. Bauza wasn't able to clarify
14 it, did you change your position regarding the
15 veracity of her statement that she called someone
16 at Aetna, and they told her that they calculated
17 the benefits correctly?

18 A. I can't say that we -- I would say
19 that we questioned whether or not we had all of
20 the information from her. I shouldn't say whether
21 we had all the information. But we questioned
22 what she was telling us at that point.

23 Q. After that meeting on November 15th, I
24 believe you testified that there was another
25 meeting with Ms. Commisso-Weinand and Mr. Gillert



1 JUDY MILLS

2 regarding Ms. Bauza's termination?

3 A. Yes.

4 Q. Between November 15th and that
5 meeting, the information you had received was that
6 Plaintiff's Exhibit Number 7, which is the
7 email --

8 A. Correct.

9 Q. -- concerning Mr. Rubin's report on
10 the situation?

11 A. Yes.

12 Q. And the input you got from Ms. Bauza
13 after the 15th meeting, November 15th meeting?

14 A. Yes.

15 Q. Anything else did you utilize at that
16 meeting to decide whether or not to terminate Ms.
17 Bauza?

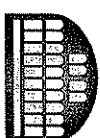
18 A. No.

19 MR. RIOLO: Other than the
20 earlier stuff too?

21 MR. CUTRO: Yes.

22 A. No.

23 Q. What happened at that meeting? Do you
24 know the date of that meeting you had with
25 Mr. Gillert and Ms. Weinand?



1 JUDY MILLS

2 what were the circumstances?

3 A. That she received the overpayment,
4 that she knew that it was incorrect and that she
5 never brought it to our attention. Those were the
6 circumstances.

7 Q. At that meeting, was it ever discussed
8 whether there were similar fact patterns that had
9 arisen with other employees and what discipline
10 was used in those types of situations?

11 A. No.

12 Q. Who had the ultimate authority to make
13 the decision to terminate Ms. Bauza at that
14 meeting?

15 A. The ultimate authority would have been
16 Italia Commisso-Weinand and Mark Stefan.

17 Q. Did you make a recommendation at that
18 meeting as to how to handle Ms. Bauza, or did you
19 present the facts or both?

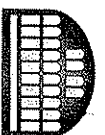
20 A. I made a recommendation, yes.

21 Q. What was your recommendation?

22 A. My recommendation was termination.

23 Q. Now, was the fact that Ms. Bauza was
24 out on disability leave discussed at that meeting?

25 A. No.



1 JUDY MILLS

2 responsibilities --

3 A. No.

4 Q. -- at Mediacom, right?

5 A. No, but she knew of it.

6 Q. But different companies have different
7 benefit policies, correct?

8 A. Yes.

9 Q. Some companies may have 66 and two
10 thirds, and other ones may have better plans,
11 right?

12 A. Well, she admitted she knew it was 66
13 and two thirds.

14 Q. And she also admitted that that is why
15 she called Aetna, because she thought there was a
16 discrepancy?

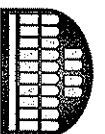
17 A. Yes.

18 Q. Do you recall her telling you that the
19 discrepancy was in the calculation of the time
20 period that the benefits calculated over and that
21 is where she felt the error was?

22 A. No.

23 Q. Who was present at the meeting on
24 November 28th when Ms. Bauza was terminated?

25 A. Joe Michulski and myself.



1 JUDY MILLS

2 Q. Anyone else?

3 A. No.

4 Q. Prior to that meeting, did you discuss
5 with Mr. Michulski what was going to be discussed
6 at that meeting?

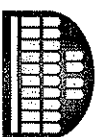
7 A. I don't know if I specifically told
8 him about or went through what was going to be
9 discussed at the meeting. I believe that he was
10 told of the decision to terminate by Mark Stefan,
11 and then it was Joe and I meeting with Miriam to
12 deliver the news. I don't remember if he and I
13 actually spoke ahead of time. I mean, I might
14 have prepped him for the meeting before Miriam
15 came in, but I don't remember beyond that.

16 Q. Did you remember Mr. -- prior to Ms.
17 Bauza coming into the meeting, do you remember
18 discussing anything else with him about Ms. Bauza?

19 A. I don't.

20 Q. What happened at that meeting?

21 A. I did, I think, the talking. Not I
22 think, I know I did. I did all of the talking.
23 And I explained to Miriam that she was in a
24 position of trust, that she received the
25 overpayment, that she knew that it was an



1 JUDY MILLS

2 overpayment. And given the nature of her
3 position, we were going to discontinue her
4 employment.

5 Q. What did Miriam say, if anything?

6 A. That she couldn't believe it.

7 Q. Anything else?

8 A. I believe that was pretty much it.

9 Q. Did Mr. Michulski say anything?

10 A. I don't think he said anything, no.

11 Q. Was Ms. Bauza upset?

12 A. Yes.

13 Q. When was she told her termination was
14 effective?

15 A. Well, that would be her last day, the
16 day that I told her that she was terminated, but
17 then we offered to continue her pay for a certain
18 period of time. I have to look here. Continue
19 her pay through January 1, and that we also were
20 offering her COBRA through the month of January,
21 offering to pay her COBRA.

22 Q. And this meeting took place in human
23 resources?

24 A. In my office.

25 Q. How long did that meeting take place?

